

**MINUTES OF THE  
AUBURN CITY PLANNING COMMISSION MEETING  
September 7, 2010**

The regular session of the Auburn City Planning Commission was called to order on September 7, 2010 at 6:00 p.m. by Chairman Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

**COMMISSIONERS PRESENT:** Snyder, Young, and Spokely

**COMMISSIONERS ABSENT:** Worthington and Vitas

**STAFF PRESENT:** Lance E. Lowe, AICP, Associate Planner

**I. CALL TO ORDER**

**II. PLEDGE OF ALLIGIENCE**

**III. APPROVAL OF MINUTES**

May 18, 2010

**IV. PUBLIC COMMENT**

None

**V. PUBLIC HEARING ITEMS**

**A. VARIANCE EXTENSION – 169 BORLAND AVENUE (AT&T MONOPINE CELLULAR TOWER) –FILE # VA 09-4 EXT.** - The applicant requests an extension to an approved Height Variance for a proposed 78 foot monopine cellular tower with twelve - ±8 foot panel antennae and two - ±2 foot microwave antennae. AT&T also proposed to locate nine Base Transceiver Station (BTS) cabinets and associated utilities within a 30 by 40 foot leased area.

Planner Lowe provided an overview of the project request, which is a 1 year extension of a previously approved Variance for a monopine cellular tower.

Chairman Spokely asked if there have been any code changes that might affect the prior approval of the project.

Planner Lowe replied that there have been no code changes since approval of the variance.

Commissioner Snyder asked if staff evaluated the correspondence provided by Mr. Taylor.

Planner Lowe replied that staff did not evaluate the correspondence received, but noted that the letter was clear that the neighbor did not like the location of the cellular tower and wanted to have the tower re-located to his property.

Chairman Spokely asked if the variance extension was the only request before the Commission tonight.

Planner Lowe replied that the extension was the only item for Planning Commission consideration. Planner Lowe also noted that the applicant has undergone the first round of plan check comments and is working with both the Public Works and Planning Department to address corrections required. Once the corrections have been made, the applicant will be able to obtain a building permit.

Chairman Spokely noted that he read the correspondence provided by Mr. Taylor and questioned a house in the Industrial (M-2) Zone.

Planner Lowe responded that the house is legally non-conforming in the Industrial (M-2) Zone.

Jacob Reeves of 156 Gilbert Rock, Folsom, CA working on behalf of the Lyle Company introduced himself as the applicant.

Mr. Reeves noted that a building permit would have been obtained already; however, a sewer line was identified as being in proximity to the proposed monopine foundation and as such, he has been working with the Public Works Department to address the foundation/sewer line issue.

Commissioner Young asked what would it take to move the proposed cellular tower to the Taylor property?

Planner Lowe replied that a new application would have to be filed with the Community Development Department.

Jacob Reeves noted that the re-location would cost about \$60,000 in entitlement documents for a new application.

Mr. Reeves noted that AT&T had looked at several sites and noted that this site was the best site for their coverage objective, which is the canyon area.

Commissioner Young asked about compliance with E-911 cellular requirements.

Mr. Reeves noted that AT&T is required to comply with the E-911 requirements and a certain percentage of their towers are required to comply with the E-911 mandates.

Mr. Reeves noted that the goal is to provide better service in the canyon. Moving the tower to the Taylor site further away from the canyon does not serve this objective.

Chairman Spokely asked about the FCC Guidelines for Radio Frequency (RF) exposure with respect to proximity to residential areas.

Mr. Reeves replied that the project more than meets the FCC requirements for RF exposure.

Chairman Spokely inquired about the analysis that led AT&T to this site.

Mr. Reeves replied that three (3) sites were considered; however, the other sites did not provide coverage in the canyon as well as the Borland Avenue site. The Borland Avenue site is the best location to provide the best cellular coverage in the canyon.

Chairman Spokely asked about the status of the building permit application.

Mr. Reeves replied that a building permit would have been obtained already; however, a sewer line was found in proximity to the cellular tower foundation. As a result of this sewer line issue, it has taken longer than anticipated to obtain a building permit.

George Harrison of 175 Borland Avenue introduced himself and noted that he has lived on Borland Avenue since 1960.

Mr. Harrison noted that he was unable to attend the Planning Commission meeting six months ago because he was out of town.

Mr. Harrison showed where his property is located and where Mr. O.C. Taylor's property is located in proximity to the cellular tower.

Mr. Harrison also noted that the zoning of Mr. O.C. Taylor's property is not all zoned industrial but has a split zone of light industrial and residential.

Planner Lowe directed to the Planning Commission to page 28 of the staff report and clarified that the property has a split zone of Heavy Industrial (M-2) and Residential Single Family, minimum parcel size of 20,000 square feet.

Mr. Harrison noted that his main concern is that Mr. Freeman (subject property owner) imported fill on his property without permits. As a result, the cellular tower will be constructed on un-compacted fill. Is any seismic work being conducted?

Mr. Harrison has never seen a facility so close to a residence and stated that he lives in a 4,000 square foot home and will not likely see it. But if he were Mr. Taylor, he

would be concerned about the potential health issues from the proposed cellular tower.

Mr. O.C. Taylor of 175 Borland Avenue introduced himself and noted that he was a former City Council member who has lived at his Borland Avenue residence since 1970 and that his house was built in 1940.

Mr. Taylor stated that he is concerned about the proximity of the building and proposed cellular tower to his residence, which is approximately 40 feet.

Mr. Taylor noted that the building was previously a body shop and paint and fumes used to come onto his yard.

Mr. Taylor noted that he has a solution and although he does not want the cellular tower on his property, he would rather have it on the front of his property, along Borland Avenue, further away from his residence.

Mr. Taylor noted that he is disappointed with the City and AT&T for the way they have handled this project and wanted AT&T to remember that his wife worked for AT&T for 33 years

What ever the Planning Commission does, I hope you do it in a uniform manner Mr. Taylor stated.

Joseph Tucciarone of 14670 McElroy Road, Auburn noted that he did not attend the meeting in February when this cell tower was initially approved; however, Mr. Tucciarone noted that many residents that will be in view of this cellular tower will be surprised if it is constructed. Although the property is industrial, I see this area as a buffer zone for the canyon and perhaps a commercial use with restaurants that overlook the canyon Mr. Tucciarone stated.

Gary Clark of 165 Borland Avenue introduced himself. Mr. Clark had concerns about the number of people notified of this application. Mr. Clark believes that the tree will impact a greater number of people than the people notified. Mr. Clark also noted that he had concerns about the design of the tower. He has not seen a monopine yet that looks like a pine tree.

Mr. Reeves on behalf of AT&T addressed the Commission regarding comments provided.

Mr. Reeves noted that with respect to the comments relating to fill, a geo-technical report was prepared for the project and the foundation has been designed to comply with the recommendations of the geo-technical report.

Mr. Reeves sympathized with Mr. Taylor and his comments, but noted that the project complies with the FCC requirements for Radio Frequency (RF). Although the tower is in close proximity to residential, the site is crucial to meet AT&T's coverage objectives.

Mr. Reeves also noted that the City notified persons on two separate occasions and AT&T has fulfilled the notification requirements established by the City.

Commissioner Snyder asked what are the standard distances from residences?

Mr. Reeves noted that the distances are based upon the Radio Frequency (RF) studies. For example, AT&T just had cellular towers approved in Pediment, CA approximately 15 feet away from a 1 story residential building with outdoor cafés. The RF analysis for that site was at .08% of the permitted threshold.

For this particular site, the antennae are approximately 80 feet in the air and the RF analysis indicates that AT&T is at .006% of the permitted threshold, which means we are 99.994% below the permitted threshold.

Commission Snyder asked Mr. Reeves, based upon his opinion, would there be any health risks with this site?

Mr. Reeves replied that, based on the RF study, there would be no health issues with this site.

Commission Snyder noted that the issue than is aesthetic; some people do not like the look of these facilities.

Mr. Reeves noted that AT&T provided photo simulations for the site which illustrates what the monopine would look like when constructed.

Commissioner Snyder asked Mr. Reeves if he was familiar with the monopine cellular towers located off of Mt. Vernon Road?

Mr. Reeves noted that he is familiar with the sites and noted that those sites do not meet the objectives of AT&T.

Chairman Spokely asked Mr. Reeves about co-facilities requirements for this site.

Mr. Reeves noted that per the conditions of approval, AT&T is required to allow co-location on their pole. This is common practice since obtaining a co-location permit from an existing carrier is much easier than obtaining entitlement approval for a new site.

Chairman Spokely noted that the original entitlement was for a height variance and needed due to coverage objectives and E-911 requirements for recreation users in the canyon.

Mr. Reeves noted that there is limited coverage in the canyon and noted that the site is critical for E-911 coverage.

Chairman Spokely asked about proximity to residential uses, a lot of these facilities are located in parks, in close proximity to residential uses. Have you personally worked on any of those type of facilities?

Mr. Reeves replied that he has worked on sites in parks, schools, city office buildings, and on residential homes in Utah. As long as we meet the FCC requirements for RF there are no problems.

Commissioner Young thanked those who spoke tonight and asked what structural analysis has been completed to address the fill issue and make sure that the structure is designed appropriate for the site.

Planner Lowe responded that a geo-technical report is required and the structural design of the foundation, designed by a structural engineer is required to reflect the recommendations of the geo-technical report.

Chairman Spokely asked about the cost of the proposed monopine?

Mr. Reeves noted that the construction costs are approximately \$250 to \$300 thousand dollars.

Chairman Spokely noted that with \$60,000 dollars worth of entitlement costs and \$250 to \$300 thousand dollars for construction costs, it is not likely that the cellular tower would fall down.

Commissioner Young inquired about the coverage area. Where else did AT&T look? Did AT&T look at Highway 49 towards Foresthill?

Mr. Reeves replied that AT&T looked at various sites in the area; however, this site potentially eliminates two other sites in the canyon area.

Commissioner Young asked about the public notice for this project.

Planner Lowe replied that the notice was posted in the newspaper and to property owners within 500 feet of the subject property.

Mr. Taylor would propose to have the location moved from its current location, which could fall on his house and looks ugly, to the front of his property along Borland

Avenue. Mr. Taylor does not want it on his property, but the location would be better considering the proximity to his house. The relocated site on my property would serve the canyon just as well as the current site Mr. Taylor stated.

Mr. Harrison added that the sewer line in question is 8 inches and reiterated his concerns about the fill on the subject site.

Andre Allive of 18515 Crescent Court noted that he uses the canyon below and believes that better cellular coverage in the canyon will save lives. I do ride my bike in the canyon and as the Endurance Capital of the World people are pushing the envelope. Having the ability for E-911 coverage in the canyon will save lives Mr. Allive stated.

Chairman Spokely closed the public hearing.

Commissioner Snyder noted this is a classic case of balancing the desires of the neighbors with the greater good of the community residents, whether the project be a theatre, parking lot or cell tower. I do not believe there are any health issues with this cell tower so I will discount those. As a Civil Engineer, any competent engineer will be able to design a foundation to support the tower. I wish there was a better spot, but believe that this site may eliminate additional antennae elsewhere and will support the variance extension.

Commissioner Young noted that he does not want a tower next to his residence and sympathizes with the neighbors; however, I believe that this cellular tower is needed due to emergency response 911 calls being lost as you go further east into the canyon. We do not get service in the canyon. If this will help with our communication in the canyon and there are not health or foundation risks, I will recommend approval of the variance.

Chairman Spokely noted that this is a difficult decision balancing the desires of the neighbors and what is beneficial for the City. Based upon my use of the area, there is a tremendous need for better cellular coverage in the canyon.

Regarding noticing of projects, I would love to have the room full of people so that we could have an idea what everyone's concerns are. Residents on Aeolia Drive may be surprised one day to find this tower going up; however, we follow the rules and put the notice in the paper. We have expanded the notice requirements from 300 to 500 feet.

With respect the design integrity of this facility, as a Civil Engineer, I am familiar with the design requirements that are imposed and I have little concern that the structure will fall down. In California, in particular, the design requirements are very stringent. Seismic is one of those requirements.

Chairman Spokely noted that because the cellular tower would provide better cellular service in the canyon coupled with the conditions that co-locations are required of the applicant, he supported the original variance. The applicant has been diligent in their pursuit of a building permit; however, due to unknown site circumstances regarding the sewer line, etc., the applicant has been held up.

Regarding the FCC requirements for RF exposure, this facility is less than a 1/10 percent of the allowable RF exposure, so am comfortable that there are not health risks associated with this time extension.

Commissioner Snyder **MOVED** to adopt Resolution 10-10 to extend the Height Variance approval for 1 year as presented.

Commissioner Young **SECONDED** the motion.

AYES:	Snyder, Young, & Spokely
NOES:	None
ABSTAIN:	None
ABSENT:	Worthington & Vitas

The motion was **APPROVED**

## **VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS**

**A.** City Council Meetings  
None

**B.** Future Planning Commission Meetings  
Planner Lowe informed the Commission that the Baltimore Ravine Specific Plan EIR will be presented to the Planning Commission on September 21, 2010 and November 16, 2010.

**C.** Reports  
Traffic Commission member Young noted that the Streetscape Phase I is 98 percent complete.

## **VII. PLANNING COMMISSION REPORTS**

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

None

**VIII. FUTURE PLANNING COMMISSION AGENDA ITEMS**

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

None

**IX. ADJOURNMENT**

The meeting adjourned at 7:15 p.m.

Respectfully submitted,

Lance E. Lowe